

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

United States District Court
Northern District of Oklahoma

PLAINTIFF
STATE OF OKLAHOMA, ex rel., et al.

V. DEFENDANT AND THIRD PARTY PLAINTIFFS

**ALIAS THIRD PARTY SUMMONS IN A
CIVIL ACTION**

TYSON FOODS, INC. et al.

V. THIRD PARTY DEFENDANT

CASE NUMBER: 05-CV-0329-TCK-SAJ

City of Tahlequah, et al.

To: (Name and Address of Third Party Defendant)

Cherrie L. House
P.O. Box 1097
Stilwell, OK 74960

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY (name and address)

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
Riggs Abney Neal Turpen Orbison & Lewis
502 West 6th Street
Tulsa, OK 74119-1010

DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEY
(name and address)

A. Scott McDaniel
Joyce, Paul & McDaniel PLLC
1717 South Boulder, Suite 200
Tulsa, OK 74119

an answer to the third-party complaint which is herewith served upon you within **20days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third party plaintiff.

MAY 3 2006

Phil Lombardi

Clerk

Date



(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me

DATE

MAY 9, 2006

NAME OF SERVER (PRINT)

Rex L Buin

TITLE

DISTRICT COURT OFFICER

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

William House, Spouse

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

May 9, 2006

Signature of Server

Address of Server

P.O. Box 911, Stilwell OK 74960